

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 7, 2011
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, held in the auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida.

Present: J. Ken Bryan, District 5, Chair
Mark Miner, District 3, Vice Chair
Cyndi Stevenson, District 1
Ron Sanchez, District 2
Jay Morris, District 4
Michael Wanchick, County Administrator
Patrick McCormack, County Attorney
Lenora Newsome, Deputy Clerk

(06/07/11 - 1 - 9:01 a.m.)

CALL TO ORDER

Bryan called the meeting to order.

(06/07/11 - 1 - 9:01 a.m.)

ROLL CALL

The clerk called the roll, and all commissioners were present.

(06/07/11 - 1 - 9:01 a.m.)

INVOCATION

Father John D. Gillespie, San Sebastian Catholic Church, gave the invocation.

(06/07/11 - 1 - 9:03 a.m.)

PLEDGE OF ALLEGIANCE

Commissioner Stevenson led the Pledge of Allegiance.

(06/07/11 - 1 - 9:03 a.m.)

RECOGNITION OF COUNTY ROAD & BRIDGE EMPLOYEE RICH SAFFELDER, WHO IS RETIRING WITH 37.5 YEARS OF SERVICE

Joe Stephenson, Public Works Director, gave a brief history of Rich Saffelder's employment with the County, and presented him with a rocking chair.

(06/07/11 - 1 - 9:07 a.m.)

PRESENTATION OF CHECKS REPRESENTING PARTNERSHIP PROJECTS BETWEEN ST. JOHNS COUNTY AND THE FLORIDA INLAND NAVIGATION DISTRICT (FIND), BY FIND COMMISSIONER CARL BLOW

FIND Commissioner Carl Blow, presented checks, from their Water Assistance Program, to the Commissioners for grants to help with the waterways assistance projects for 2010-2011, *Exhibit A*. He reviewed the projects that the grants covered. Bryan stated that these would be really nice amenities for the County.

(06/07/11 - 2 - 9:16 a.m.)

PRESENTATION OF A PROCLAMATION DECLARING JUNE 6-10, 2011, AS CODE ENFORCEMENT OFFICER APPRECIATION WEEK

Sanchez invited James Acosta and his staff to the dais. Karen Pan, Communications Manager, read the proclamation into the record. Sanchez presented the proclamation to Acosta. Acosta gave a brief history of the department and thanked his staff for all their hard work. Stevenson thanked all of them, and told them how much they were appreciated.

(06/07/11 - 2 - 9:23 a.m.)

ACCEPTANCE OF PROCLAMATION

Motion by Miner, seconded by Sanchez, carried 5/0, to approve the proclamation.

(06/07/11 - 2 - 9:23 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions.

(06/07/11 - 2 - 9:23 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Sanchez, seconded by Miner, carried 5/0, to approve the Consent Agenda as submitted.

1. Approval of the Cash Requirement Report
2. Minutes:
 - BCC Regular Meeting 05/03/11
 - BCC Regular Meeting 05/17/11
3. Motion to adopt **Resolution No. 2011-137**, approving the terms and conditions of a Special Use Authorization for utilization of district lands between St. Johns County and the St. Johns River Water Management District; and authorizing the County Administrator, or designee, to execute the agreement on behalf of the County

RESOLUTION NO. 2011-137

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A SPECIAL USE AUTHORIZATION FOR UTILIZATION OF DISTRICT LANDS BETWEEN ST. JOHNS COUNTY AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, AUTHORIZING ST. JOHNS COUNTY TO TRIM OR REMOVE DECAYED, INJURED, OR WIND DAMAGED TREES UPON DISTRICT LAND THAT POSE A HAZARD TO DRIVERS ALONG THE RIGHT-OF-WAY OF INTERNATIONAL GOLF PARKWAY, AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE SPECIAL USE AGREEMENT ON BEHALF OF THE COUNTY

4. Motion to adopt **Resolution No. 2011-138**, declaring the public purpose and necessity for exercising the right and power of eminent domain to acquire certain real property along CR 210 for the construction of the roadway; and authorizing the County Attorney to institute condemnation proceedings

RESOLUTION NO. 2011-138

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, DECLARING THE PUBLIC PURPOSE AND NECESSITY FOR EXERCISING THE RIGHT AND POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY ALONG CR 210 FOR THE CONSTRUCTION OF THE ROADWAY; AND AUTHORIZING THE COUNTY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS

5. Motion to adopt **Resolution No. 2011-139**, accepting a road Right-of-Way Map from the Florida Department of Transportation, following completion of road and bridge work along County Road 13

RESOLUTION NO. 2011-139

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A RIGHT-OF-WAY MAP FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION, FOLLOWING COMPLETION OF ROAD AND BRIDGE WORK ALONG COUNTY ROAD 13

6. Motion to adopt **Resolution No. 2011-140**, authorizing payment, per the terms of a Stipulated Final Order, in an eminent domain case for acquisition of property for the Four Mile Road/Volusia Street Roadway Improvement Project

RESOLUTION NO. 2011-140

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING PAYMENT, PER THE TERMS OF A STIPULATED FINAL ORDER, IN AN EMINENT DOMAIN CASE FOR ACQUISITION OF PROPERTY FOR THE FOUR MILE ROAD/VOLUSIA STREET ROADWAY IMPROVEMENT PROJECT

7. Motion to adopt **Resolution No. 2011-141**, acknowledging and accepting a Partial Release of Conservation Easement; and approving the terms and conditions of a Conservation Easement required for the CR 210 Roadway Improvement Project; and authorizing the Chair, or designee, to execute the Conservation Easement

RESOLUTION NO. 2011-141

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACKNOWLEDGING AND ACCEPTING A PARTIAL RELEASE OF A CONSERVATION EASEMENT; AND APPROVING THE TERMS AND CONDITIONS OF A CONSERVATION EASEMENT REQUIRED FOR THE CR

**210 ROADWAY IMPROVEMENT PROJECT; AND
AUTHORIZING THE CHAIR, OR DESIGNEE, TO
EXECUTE THE CONSERVATION EASEMENT**

8. Motion to adopt **Resolution No. 2011-142**, approving the final plat for Rivertown Lakes 2

RESOLUTION NO. 2011-142

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A PLAT FOR RIVERTOWN LAKES 2**

9. Motion to adopt **Resolution No. 2011-143**, approving the final plat for Nocatee Parkway Phase 2

RESOLUTION NO. 2011-143

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
APPROVING A PLAT FOR NOCATEE PARKWAY,
PHASE 2**

10. Motion to adopt **Resolution No. 2011-144**, authorizing the County Administrator, or designee, to submit a grant application to the U.S. Department of Energy for up to \$500,000 to prepare a St. Johns County Plan for Electric Vehicles; and authorizing the County Administrator, or designee, to execute any, and all, documents associated with the grant application. No matching funds are required for this grant

RESOLUTION NO. 2011-144

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE COUNTY ADMINISTRATOR, OR
DESIGNEE, TO SUBMIT AN APPLICATION SEEKING
FUNDING ASSISTANCE FROM THE U.S. DEPARTMENT
OF ENERGY**

11. Motion to adopt **Resolution No. 2011-145**, approving the terms of, and authorizing the Environmental Division to apply for, a grant through the U.S. Fish and Wildlife Service's Coastal Program for up to \$13,000 for structure demolition and limited dune restoration at Summer Haven. No matching funds are required for this grant

RESOLUTION NO. 2011-145

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
AUTHORIZING THE COUNTY ADMINISTRATOR, OR
DESIGNEE, TO SUBMIT AN APPLICATION, AND ANY
OTHER REQUIRED PAPERWORK, IN ORDER TO SEEK
FUNDING ASSISTANCE THROUGH THE U.S. FISH AND
WILDLIFE SERVICE'S COASTAL PROGRAM GRANT TO
REMOVE A DERELICT STRUCTURE AND CONDUCT
LIMITED DUNE RESTORATION AT SUMMER HAVEN**

12. Motion to adopt **Resolution No. 2011-146**, approving the recognition of \$250,000 in funding from the Federal Transit Administration (FTA), Section 5307, grant FL95X0042, to be used for the purchase of public transportation vehicles to be used by the St. Johns County Transportation Provider, the St. Johns County Council on Aging

RESOLUTION NO. 2011-146

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RECOGNIZING UNANTICIPATED REVENUES OF \$250,000 FROM THE FEDERAL TRANSIT ADMINISTRATION GRANT FL-95-X0042, AND TO ADJUST THE TRANSIT REVENUE AND EXPENDITURE BUDGET IN RECOGNITION OF THESE FUNDS

13. Motion to adopt **Resolution No. 2011-147**, recognizing unanticipated revenue in the amount of \$5,000, and appropriating, accordingly, to the Other Grant expenditure budget line [1224-55306] and the Fire District Fund [1171-33770]

RESOLUTION NO. 2011-147

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO SUBMIT AN APPLICATION FOR A FIREMAN'S FUND HERITAGE PROGRAM GRANT AND, SUBSEQUENTLY, TO ACCEPT SUCH AWARD AS GRANTED. FURTHER, THE BOARD AUTHORIZES AMENDING THE FISCAL YEAR 2011 FIRE DISTRICT BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY FIRE-RESCUE DEPARTMENT

14. Motion to adopt **Resolution No. 2011-148**, recognizing unanticipated revenue in the amount of \$20,000, increasing the revenue budget for the General Fund Contributions (0001-36603), and appropriating to the Recreation Facilities Other Maintenance (0080-54603) for security lighting at Bird Island Park

RESOLUTION NO. 2011-148

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2011 BUDGET TO RECEIVE UNANTICIPATED REVENUE, AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY RECREATION AND PARKS PROJECT FUND

15. Motion to transfer the amount of \$1,954 from 1200-59927 (Northwest Tower Fund Capital Outlay Reserve) to 1200-55200 (Operating Supplies), to assist with purchase of floor covering in the Plantation Park field house
16. Motion to adopt **Resolution No. 2011-149**, authorizing the County Administrator, or his designee, to award the purchase of the Sawgrass WWTP Reuse Disc Filter to I. Kruger, Inc., as the lowest responsible bidder for Bid No. 11-65 in the amount of \$169,750

RESOLUTION NO. 2011-149

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO AWARD BID NO. 11-65; AND TO EXECUTE A PURCHASE ORDER FOR THE PURCHASE OF SAWGRASS WWTP RESCUE FILTER

17. Motion to adopt **Resolution No. 2011-150**, approving the terms, conditions, and requirements of the contract between St. Johns County and Glacier Consulting, Inc. The annual expenditure is not to exceed \$5,000

RESOLUTION NO. 2011-150

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND GLACIER CONSULTING, INC., AND AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

18. Motion to adopt **Resolution No. 2011-151**, accepting the terms of the fifth amendment to Contract #NH210, between the State of Florida Department of Children and Families, and the St. Johns County Board of County Commissioners, and authorizing the Chair of the Board of County Commissioners to execute the Amendment on behalf of the County

RESOLUTION NO. 2011-151

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RESCINDING RESOLUTION NO. 2011-51 AND REPLACING IT WITH RESOLUTION NO. 2011-151, ACCEPTING THE TERMS OF THE FIFTH AMENDMENT TO CONTRACT #NH210, BETWEEN THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, AND THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

19. Motion to approve the elimination of one Behavioral Analyst from the Community Based Care Division (HHS) budget and replace with one Post Adoption Specialist at no additional cost to the County's General Fund
20. Motion to approve placement of "Please Refrain from Tobacco Use in Areas Designed for Children", signage in parks owned and maintained by St. Johns County
21. Motion to adopt **Resolution No. 2011-152**, approving the terms and conditions of the Agreement between the St. Johns County Board of County Commissioners, and Hannah Marketing Group, Inc., not to exceed \$22,000 to provide tourist marketing research services for St. Johns County; and authorizing the County Administrator, or designee, to execute the Agreement on behalf of the County

RESOLUTION NO. 2011-152

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS, PROVISIONS, CONDITIONS, AND REQUIREMENTS OF AN AGREEMENT BETWEEN ST. JOHNS COUNTY, FLORIDA, AND HANNAH MARKETING GROUP, INC., (HMG) TO PROVIDE TOURIST MARKETING RESEARCH SERVICES FOR THE COUNTY AND ITS CONTRACTING TOURIST DEVELOPMENT AGENCIES; AND AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNTY

22. Motion to transfer the amount of \$1,500 from 1200-59927 (Northwest Tower Fund Capital Outlay Reserve) to 1200-58200 (Northwest Tower Fund Aid to Private Organization), to assist with the events planned for the Old Settlers Reunion
23. Proofs:
 - a. Proof: Certificate of Liability Insurance for Bradshaw-Niles & Associates, Inc., 280 Business Park Circle, Suite 410, St. Augustine, FL 32095
 - b. Proof: Certificate of Liability Insurance for England, Thims & Miller, Inc., Robert M. Angas Associates, Inc., EMM Properties, LLC, 14775 Old St. Augustine Road, Jacksonville, FL 32258
 - c. Proof: Request for Proposals, RFP#11-67, for Tennis Management Services at Cornerstone Park and Nocatee Park, published March 23, 2011, and March 30, 2011, in *The St. Augustine Record*
 - d. Proof: Notice to Bidders, Bid #11-66, published March 30, 2011, and April 6, 2011, in *The St. Augustine Record*
 - e. Proof: Notice of Public Hearing of the Board of County Commissioners on April 19, 2011, to consider adoption of an ordinance for the control of noise, published April 4, 2011, in *The St. Augustine Record*
 - f. Proof: Notice of Public Hearing of the Board of County Commissioners on April 19, 2011, to consider adoption of an ordinance for the control of noise, published April 8, 2011, in the *Ponte Vedra Recorder*
 - g. Proof: Request for Proposals, RFP #11-67, for Tennis Management Services at Cornerstone Park and Nocatee Park, published April 8, 2011, in the *Ponte Vedra Recorder*
 - h. Proof: Notice to Bidders, Bid #11-68, published April 8, 2011, in the *Ponte Vedra Recorder*
 - i. Proof: Notice to Bidders, Bid #11-69, published April 8, 2011, in the *Ponte Vedra Recorder*

(06/07/11 - 7 - 9:24 a.m.)

PUBLIC COMMENT

Ellen Whitmer, 1178 Natures Hammock Road South, announced that Louise Thrower passed away, and thanked her for her wonderful service and dedication to St. Johns County.

(9:25 p.m.) Diane Mills, 3455 Lewis Speedway, mentioned Louise Thrower passing and announced the dates of her viewing and funeral.

(9:27 a.m.) Marci Silkebaken, 1145 Neck Road, mentioned Louise Thrower passing. She thanked the Code Enforcement Department for a job well done. She questioned, if a paved path in Guana was really a priority.

(9:29 a.m.) Angela Diaz, 376 South Mill View Way, spoke on the proposed multi-purpose path through the Guana, and stated that she was opposed to taking any land in Guana for a path.

(9:31 a.m.) Jonathan Katzen, 140 Mill Cove Lane, President of the Friends of the Guana Tolomato Matanzas Research Reserve, spoke on the proposed path, and stated it was necessary to seek public input before installing the proposed path.

(06/07/11 - 8 - 9:32 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

McCormack requested to add the proposed emergency burn ban/fireworks ordinance as Item 9a, and the proposed Hopewell Litigation Settlement, as Item 9b. Sanchez requested to add discussion on the proposed Guana path, as Item 9c, with discussion following.

(06/07/11 - 8 - 9:35 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Miner, seconded by Morris, carried 5/0, to approve the Regular Agenda as amended.

(06/07/11 - 8 - 9:36 a.m.)

1. REVIEW OF RECENT WEST AUGUSTINE CAREER FAIR

Robert Nimmons, on behalf of the CRA, gave a presentation regarding the recent career fair in St. Augustine, *Exhibit A*. He stated it was all about the residents in St. Augustine attending to find jobs. He mentioned that they would like to schedule the career fair again, in approximately six months. Bryan thanked Nimmons, and his group for a wonderful job, and *The St. Augustine Record* for their support.

(06/07/11 - 8 - 9:43 a.m.)

2. FY 2010 COMPREHENSIVE ANNUAL FINANCIAL REPORT ANNUAL AUDIT CONCLUSION

Doug Timms, Director of Management and Budget, said this item represented the completion step of the 2010 financial audit; ending with a motion by the Board to accept the audit as presented by the independent auditing firm of Carr, Riggs, and Ingram, LLC. He said the Comprehensive Annual Financial Report (CAFR) was available on the Clerk of Courts website, and may be accessed from the County's main webpage. He introduced Tina Robinson of Carr, Riggs & Ingram, LLC, and stated that she would handle the presentation.

(9:44 a.m.) Tina Robinson mentioned that Jeffery Zeichner, Manager with Carr, Riggs, and Ingram, LLC, was with her. She reviewed the audit outline and mentioned the new items that were added. She said the audit report for 2010 was a good one, and the Finance Department did well with maintaining it.

(9:49 a.m.) Zeichner mentioned that he had been in charge of the Board audit for approximately seven or eight years and it was a difficult task. He said the Finance Department did an outstanding job. Stevenson spoke on the budget and financial statements, and asked about a letter of recommendation. Tina responded that there were none regarding the financial statements.

(9:51 a.m.) Motion by Stevenson, seconded by Miner, carried 5/0, to accept the financial statement audit for County fiscal year 2010, as presented by independent auditors, Carr, Riggs & Ingram, LLC.

(06/07/11 - 9 - 9:52 a.m.)

3. CONSTITUTIONAL OFFICERS' BUDGET PRESENTATION

Doug Timms, Director of Management and Budget, stated that the Clerk of Courts and Sheriff were there to present their budgets.

(9:53 a.m.) Cheryl Strickland, Clerk of Courts, gave a presentation. She stated there were two budgets funded by the Board for the Clerk's Office: finance and non-court subsidy. She said the budget had decreased, and that the Clerk's Office was going into year four of no raises, no new positions, and status quo for staffing levels within the Finance Department. She mentioned that the Clerk's Office was now required to keep track of all the sidewalks, roadways, and bridges in St. Johns County. She spoke on the court subsidy budget, stating there were three main budgets, and all of which were reduced by 25 percent. She said it was slow recovery, and they were not yet where they wanted to be. Miner thanked Strickland and her staff. Strickland mentioned that they were still down 15 positions. Stevenson echoed Miner's comments. Bryan said everyone was trying to reduce their budgets as much as they could, while still maintaining a high level of service.

(9:58 a.m.) Sheriff Shoar thanked the County staff for working so well with his staff. He mentioned the changes occurring in the nation. He spoke on the public being aggravated, the relationship between departments, the Commission reducing the budget, public safety, deputies being killed on the job, public servants having to sacrifice, doing less with less, on-line reporting of crimes, and measuring merit and excellence in public service. He stated that they did not have any vehicles budgeted for next year and spoke about the refurbishment of older vehicles. He spoke on closing down meth labs, medical issues in the jail, and the rising inmate population. He reviewed their goals, the correction facility, decentralization, needing a new intergovernmental communication system, and taking care of people. He reviewed the history of a deputy being hired, using COLA'S and steps, and then using reality, *Exhibit A*. He stated they were reducing their budget by 10.23 percent: a decrease of approximately \$5,700,000. He said that they were not sacrificing public safety in St. Johns County. Bryan thanked the Sheriff, and stated that they all worked well together. Sanchez thanked the Sheriff, and said that they had a team that worked well together. He said that protecting the people was the number one priority. Morris said for the Sheriff to be able to cut 10 percent, or \$5,000,000, was remarkable. Stevenson said it was important for the public to understand that the County staff was suffering too. She spoke on having a community that was happy, who knew and followed the law, and gaining compliance and cooperation. She said that she appreciated the leadership of the Board and Administration. Miner thanked the Sheriff for his significant budget cut, and stated that the residents didn't appreciate what the deputies went through everyday. Wanchick thank Sheriff Shoar for working with the County. He stated that they had to reverse the trend they were on, specifically not doing anything for employees, and that needed to be part of the budget as they moved forward. He said the communication system was a critical item that couldn't be compromised. Sanchez spoke on getting a new radio system and the need for it.

The meeting recessed at 10:32 a.m. and reconvened at 10:45 a.m.

(06/07/11 - 10 - 11:05 a.m.)

DISTRICT 3

4. PUBLIC HEARING - MAJMOD 2011-01, DEVIL'S ELBOW. THIS IS A REQUEST FOR A MAJOR MODIFICATION TO DEVIL'S ELBOW PUD TO EXTEND THE PHASING AND INCREASE SQUARE FOOTAGE OF THE FOLLOWING: BAIT STORE - FROM 2,600 TO 4,000; SINGLE-FAMILY RESIDENCE - FROM 2,400 TO 3,400; AMENITY BUILDING - FROM 1,000 TO 1,500. THE PLANNING AND ZONING DIVISION FINDS THE REQUEST, SUBSTANTIALLY, MEETS THE REQUIREMENTS OF THE COMPREHENSIVE PLAN AND THE LAND DEVELOPMENT CODE. THE PLANNING & ZONING AGENCY (PZA) RECOMMENDED APPROVAL BY A 7-0 VOTE. THERE WERE NO RECOMMENDED CHANGES TO THE PUD

Proof of publication of the notice of public hearing on MAJMOD 2011-01, Devil's Elbow, was received, having been published in *The St. Augustine Record* on April 20, 2011.

Michael Roberson, Planner I, gave a presentation, *Exhibit A*. He said the request was to extend phasing and to increase the square footage of a few items within the existing development.

(11:08 a.m.) Gary Davenport, 670 A1A Beach Blvd., representing the owners of Devil's Elbow, gave an overview of the project. Bryan asked if there was going to be a restaurant, bait store, or a combination of both. Davenport responded that it would be a combination of a bait store and restaurant. Morris stated that he was in favor of the item. Stevenson said it was a good area with a great benefit. Sanchez mentioned that it was a nice place and was run well. Miner disclosed ex parte communication with Mr. and Mrs. Miles at Devil's Elbow.

(11:16 a.m.) Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2011-18, approving Major Modification 2011-01, adopting findings of fact 1 through 6 to support the motion.

ORDINANCE NO. 2011-18

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, APPROVING A MAJOR
MODIFICATION TO THE DEVIL'S ELBOW PLANNED
UNIT DEVELOPMENT, ORDINANCE NUMBER 2002-20,
AS AMENDED, MAKING FINDINGS OF FACT;
REQUIRING RECORDATION; AND PROVIDING FOR
AN EFFECTIVE DATE**

(06/07/11 - 10 - 11:16 a.m.)

5. SUMMER HAVEN RIVER RESTORATION RESOLUTION. A RESOLUTION TO EXPRESS ST. JOHNS COUNTY COMMISSION SUPPORT FOR RESTORATION OF THE SUMMER HAVEN RIVER

Miner stated that for the past few months he periodically brought up the Summer Haven River and its restoration. He informed the Board that he asked Joe Stephenson to provide some historical context on the resolution before the Board discussed it.

(11:17 a.m.) Joe Stephenson, Public Works Director, gave an overview of the restoration of the Summer Haven River. He explained who would pay for the restoration and who would manage the project. He stated he would keep the Board informed as the project moved forward, and would be looking for appropriate resources to address this issue in the county. Bryan mentioned that this was for support only, and the County was not obligating any funds, because they didn't have any. Sanchez said that he supported it.

(11:21 a.m.) Linda Ginn, 9051 Gene Johnson Road, thanked the commission for considering the resolution for the restoration of the Summer Haven River.

(11:23 a.m.) Bruce Merwin, 120 Laquinta Place, spoke in favor of the restoration of the Summer Haven River.

(11:23 a.m.) Karen Miles, 7507 A1A South, spoke on the economic importance of everything that happened around the Matanzas Inlet. Miner spoke on the significant importance of the Summer Haven River and its contribution to St. Johns County and northeast Florida.

(11:26 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to adopt Resolution No. 2011-153, and to direct St. Johns County staff to distribute the signed resolution to the FDEP, other appropriate agencies, and individuals.**

RESOLUTION NO. 2011-153

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, SUPPORTING THE EFFORTS OF THE PUBLIC TO RESTORE THE SUMMER HAVEN RIVER AND DIRECTING COUNTY STAFF TO CONTINUE FILLING AN APPROPRIATE ROLE IN SUPPORT OF THEIR EFFORTS

(06/07/11 - 11 - 11:28 a.m.)

6. CONSIDER ONE APPOINTMENT TO THE MID-ANASTASIA DESIGN REVIEW BOARD

Melissa Lundquist, BCC Manager, stated the vacancy on the Board was due to a resignation, and that she had only received one application for that position.

(11:29 a.m.) **Motion by Sanchez, seconded by Miner, carried 5/0, to appoint Thomas Ingle to the Mid-Anastasia Design Review Board for a partial term, scheduled to expire October 6, 2013.**

(06/07/11 - 11 - 11:29 a.m.)

7. CONSIDER TWO APPOINTMENTS TO THE HOUSING FINANCE AUTHORITY

Melissa Lundquist, BCC Manager, said that the two vacant positions were due to expired terms. Morris informed the Board that he was the liaison to the Housing Finance Authority; had served with Robert and Carol and they were excellent.

(11:30 a.m.) **Motion by Morris, seconded by Stevenson, carried 5/0, to reappoint Robert Marshall and Carol Alford to the Housing Finance Authority for a full four-year term, scheduled to expire June 7, 2015.**

(06/07/11 - 11 - 11:31 a.m.)

8. CONSIDER ONE APPOINTMENT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Melissa Lundquist, BCC Manager, said the vacancy was due to an expired term. She mentioned there were three applications for consideration.

(11:31 a.m.) **Motion by Bryan, seconded by Sanchez, carried 5/0, to (re)appoint Ron Avery to the Industrial Development Authority for a full term, scheduled to expire June 7, 2015.**

The meeting moved to Item 9a.

Bryan called the meeting back to order at 5:01 p.m. All commissioners, Wanchick, Assistant County Administrator Darrell Locklear, McCormack, and Deputy Clerk Robin Platt were present.

(06/07/11 - 12 - 5:01 p.m.)

9. PUBLIC HEARING - PONTE VEDRA ZONING DISTRICT REGULATIONS AMENDMENTS. THIS IS THE SECOND HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE PONTE VEDRA ZONING DISTRICT REGULATIONS. THE BOARD REVIEWED THE DRAFT MAY 3, 2011. THE PONTE VEDRA BOARD VOTED 5/0 TO RECOMMEND APPROVAL OF THE PROPOSED CHANGES AT THE MAY 9, 2011, MEETING. THE RECOMMENDATION INCLUDES A MODIFICATION TO SECTION 4, REDUCING THE SUSPENDED ACTIVITY PERIOD FROM 180 DAYS TO 90 DAYS. THE PVZAB ALSO DISCUSSED INVESTIGATING HOW INOPERABLE OR JUNK GOLF CART/CARS ARE MANAGED EITHER THROUGH THIS ORDINANCE OR OTHER EXISTING REGULATIONS. LASTLY, THEY DISCUSSED THE PERIOD FOR LOADING AND UNLOADING OF COMMERCIAL AND RECREATION VEHICLES, INCLUDING THE 24 HOUR PERIOD, CONSISTENT WITH THE LDC (AS PROPOSED) OR OTHER PERIODS (E.G. 48 HOURS). THE PVZAB DID NOT RECOMMEND ONE TIMEFRAME OVER ANOTHER; FINDING SUPPORT FOR BOTH. THE PROVISIONS GENERALLY ADDRESS THE PLACEMENT OF ACCESSORY USES AND STRUCTURES

Proof of publication of the notice of public hearing on the ordinance amending the Ponte Vedra Zoning District Regulations was received, having been published in *The St. Augustine Record* on April 21, 2011 and May 26, 2011.

Lindsay Haga, Development Review Director, gave a brief overview of the changes being proposed, via PowerPoint presentation.

(5:03 p.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to enact Ordinance No. 2011-20, amending Sections I, VIII.L, and VIII.K [of the Ponte Vedra District Regulations].**

ORDINANCE NO. 2011-20

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING, AND REPEALING THE PONTE VEDRA DISTRICT REGULATIONS PREVIOUSLY ADOPTED AND/OR AMENDED BY ST. JOHNS COUNTY ORDINANCE 2003-05: PARTS OF SECTION 1 - DEFINITIONS; AND SECTION VII GENERAL PROVISIONS; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO: AMENDING SECTION - 1 DEFINITIONS, SPECIFICALLY RECREATIONAL VEHICLES, VEHICLES, UTILITY YARD, THROUGH LOT; SECTION VII GENERAL PROVISIONS, VIII.H OCEAN FRONT LOTS, VIII.L,

**ACCESSORY STRUCTURES AND VIILS, PROHIBITED
USES; PROVIDING FOR SEVERABILITY AND
PROVIDING FOR AN EFFECTIVE DATE**

(5:03 p.m.) Stevenson asked to have a brief discussion on the scale of places of assembly in areas zoned open rural. McCormack said that there was concern regarding the lack of regulation on the size and scale of development or facilities in rural areas. Bryan said he was wary of doing anything that would violate anyone's rights or break the law. Stevenson said her concern was large facilities going in where the infrastructure was not sufficient to handle the burden. Bryan directed the Attorney's Office to look into the legalities of the matter and to brief the commissioners.

Bryan concluded the meeting at 5:07 p.m.

(06/07/11 - 13 - 11:32 a.m.)

9a. EMERGENCY BURN BAN/FIREWORKS ORDINANCE

McCormack mentioned that the Board met in an emergency session to declare a local emergency pertaining to fire conditions. He said the Board gave consensus to the County Attorney to develop an ordinance, which would enable the burn ban and fireworks prohibition, with exceptions, and gave the County Administrator the authority to make further exceptions, and to declare future prohibitions. He said the ordinance was advertised last Saturday, which did not meet the normal ten day notice requirement, however, the Florida Statutes had a provision to allow for a change to the normal requirement. Sanchez questioned already giving the County Administrator the authority to make exceptions, so there wouldn't have to be special board meetings. McCormack responded that it gave the County Administrator authority for the 90-day restriction only. He reviewed the proposed ordinance and mentioned the new language that was added. McCormack requested that the Board make a motion declaring an emergency existed, and that the immediate enactment of said ordinance was necessary. He mentioned that the request he just made, should be in the first part of the motion, which would have allowed the Board to then adopt the emergency ordinance.

(11:41 a.m.) Motion by Bryan, seconded by Miner, carried 5/0, declaring that an emergency existed and that the immediate enactment of said ordinance was necessary, and a motion by Bryan, seconded by Miner, carried 5/0, to enact Ordinance No. 2011-19, providing for a ban on the discharge of fireworks within the unincorporated areas of St. Johns County, City of St. Augustine, Town of Hastings, City of St. Augustine Beach and Town of Marineland due to weather conditions, including lack of substantial rainfall, high temperatures, worsening drought, and systems with significant wind; providing for applicability of open fires ban to said areas; providing for term of ban; providing for authority for the County Administrator and related matters; providing penalties; providing for jurisdiction; providing for severability; and providing an effective date.

ORDINANCE NO. 2011-19

**AN EMERGENCY ORDINANCE OF THE COUNTY OF
ST. JOHNS, FLORIDA, PROVIDING FOR A BAN ON
THE DISCHARGE OF FIREWORKS WITHIN THE
UNINCORPORATED AREAS OF ST. JOHNS COUNTY,
CITY OF ST. AUGUSTINE, TOWN OF HASTINGS, AND
CITY OF ST. AUGUSTINE BEACH, DUE TO WEATHER
CONDITIONS, INCLUDING LACK OF SUBSTANTIAL
RAINFALL, HIGH TEMPERATURES, WORSENING
DROUGHT, AND SYSTEMS WITH SIGNIFICANT**

WIND; PROVIDING FOR APPLICABILITY OF OPEN FIRES BAN TO SAID AREAS; PROVIDING FOR TERM OF BAN; PROVIDING PENALTIES; PROVIDING FOR JURISDICTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

(11:43 a.m.) Wanchick requested to have Carl Shank give an update on the fire status for the community.

(11:44 a.m.) Carl Shank, Assistant Chief Fire Rescue, gave an update on the fires in St. Johns County. He said the drought index was 680, on a scale of 0 to 800. Bryan mentioned putting up posters or talking to the people selling the fireworks, to let the public know they could purchase them, but were not allowed to use them. Shank said they were working on a draft of that poster, which was going out to all the vendors selling the fireworks.

(06/07/11 - 14 - 10:46 a.m.)

9b. PROPOSED HOPEWELL LITIGATION SETTLEMENT

McCormack provided an overview of the proposed litigation settlement. He said it had been a lengthy process, with significant litigation activity done. He requested the Board consider the proposed settlement of the three litigation cases and also a pending Burt J. Harris claim. He said the County wanted to protect the surrounding neighborhood on Roberts Road, and not have to pay any money. He stated that he thought it was a fair settlement. He mentioned that the first part of the settlement agreement described the parties and was the administrative setup for the agreement, and below that, starting with numbered paragraph one, were the actual general terms of the settlement. Bryan reiterated that McCormack considered the proposed settlement to be fair for both parties, Plaintiff and County, under the terms and conditions that McCormack negotiated. McCormack mentioned that this was an executive meeting and decision for the Board, and there was a built in dispute resolution. Miner said that this was a fair settlement for both sides. Stevenson asked about the adjacent property owners being aware of the Settlement Agreement. McCormack said the mediation and settlement process was confidential; however, he had spoken to Isabelle Lopez about being able to inform some of the known interested persons and she gave her consent. He said the final document wasn't available until yesterday. He recommended having public comment.

(11:00 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, mentioned that the community should have been better informed regarding the item being placed on the agenda. She expressed her concern regarding the extension of Duval County into St. Johns County.

(11:02 a.m.) Isabelle Lopez, 1 Independent Drive, Jacksonville, stated that she was honored to represent First Baptist Church of Mandarin, and mentioned everyone who was present for the item.

(11:03 a.m.) Dr. Williams spoke on working diligently with staff and stated that he was pleased with the settlement. Stevenson said she supported the motion.

(11:04 a.m.) **Motion by Miner, seconded by Sanchez, carried 5/0, to approve a Settlement Agreement and Complete Release with First Baptist Church of Mandarin, Inc., et. al., according to the terms of the attached Agreement and Release; and authorizing the Chair to sign the Agreement.**

(06/07/11 - 15 - 11:47 a.m.)

9c. DISCUSSION OF PROPOSED GUANA PATH

Stevenson gave a brief overview of the proposed Guana path. She stated that the reason they investigated doing bike paths was safety issues. She reviewed a map, *Exhibit A*. Stephenson said the lane widths were less than 12 feet. Stevenson said the lanes weren't wide enough for cars and bikes. She mentioned that it would give Guana a presence on the corridor and enhance the community. She stated that it was a great way to retrofit the area to have facilities that were very common and more modern in more recent communities. She said they didn't really say anything to the public, because they wanted to make sure it was something that could be done in a way that was respectful and compatible with the existing uses. Sanchez said he didn't hear anything about them putting it on their management agreement, and heard constantly from people who did not think this was a good idea. He recommended having some meetings in the area and then bringing it back before the Board. Morris echoed Sanchez's comment and stated that he was from Ponte Vedra and had never heard this come up. Stevenson said the County would have to spend some money to develop a plan. Lengthy discussion followed on putting bike paths in the Guana.

(12:15 p.m.) Wanchick said there was not a specific discussion regarding financing last time. He said there was a discussion, with merit to the project, and that in order to take it to the next level, it would be \$50,000 to \$100,000 to put together a plan through community meetings, and work it through the State process. He said it sent very mixed signals while they were out there telling the community that they did not have money for things, to then turn around and spend that kind of money. He suggested setting this issue aside for better financial times. Stevenson said that she agreed with Wanchick's suggestion. Bryan gave Wanchick the direction of shelving it until such time they considered it feasible, if they had the dollars available.

(06/07/11 - 15 - 12:21 p.m.)

COMMISSIONERS' REPORTS

Commissioner Sanchez:

No report.

(12:21 p.m.)

Commissioner Morris:

Morris brought the Board up to date on the association the County had with the PGA and getting Governor Rick Scott to St. Johns County for the Players Tournament, where he met with approximately 200 executives. He said that Governor Scott was so impressed with the people he met, he committed to attending the Players Club next year.

Morris mentioned that he received an invitation to attend the St. Augustine School for the Deaf and Blind's graduation, and stated that it was one of the most inspiring events that he had attended.

(12:22 p.m.)

Commissioner Stevenson:

Stevenson informed the Board about being approached regarding a conflict resolution program that was being used in Volusia County, that was staffed with volunteer mediation people. She thanked Mr. Zimmerman from the IDA for bringing that idea to her attention.

Stevenson mentioned an item from Robin Moore, Historic Resource Specialist, indicating that July 2011 would be St. Johns County's 190th birthday. She suggested announcing it with a press release about how St. Johns County was started.

Stevenson spoke on pedestrian and bicycle riding incidents. She mentioned inviting someone to come to the Board to give a presentation on bicycle laws and safety, and encouraged distributing handouts on it.

Stevenson said she appreciated all the work that went into the town hall meetings.

(12:29 p.m.)

Commissioner Miner:

Miner mentioned that a lot of good events took place on Memorial Day. He mentioned speaking to the Coquina Veterans on Memorial Day.

(12:29 p.m.)

Commissioner Bryan:

Bryan informed the Board that he received a report from Glen Hastings, Executive Director of the Tourist Development Council, regarding a request for funding for \$1.4 million dollars from Category II funds, but they only actually had about \$450,000 in funding that they would be awarding.

Bryan mentioned that he had checks, from Commissioners, for Mike Davis, pledging money to help with the homeless project for the United Fund.

Bryan stated that last Friday he went to Orlando, regarding St. Johns County winning the Sterling Award again.

Bryan informed the Board that the Small Business Development Center was having a free Quick Books workshop on June 28, 2011. Call 260-2476 for information on attending.

Bryan mentioned that staff was working on the overlay boards.

Bryan said he was getting blasted about expenditures of dollars the County didn't have, regarding little league and recreation fields.

(06/07/11 - 16 - 12:33 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick reminded the Board that the July 5th BCC meeting had been cancelled.

Wanchick requested authorization from the Commission to change paycheck issuance dates from July 1 to June 30, 2011, to meet with the new legislation.

Wanchick stated that he was at the Ponte Vedra Coalition meeting a few weeks ago and a recommendation was made that they use the concert hall or community center parking lot for shuttle parking.

Wanchick mentioned that the town hall meetings were off to a rousing start. He announced that the next meeting was scheduled for Thursday night in Hastings at 6:30 p.m., at the Town Hall.

(06/07/11 - 17 - 12:36 p.m.)
COUNTY ATTORNEY'S REPORT

McCormack mentioned the dispute resolution concept introduced by Stevenson and stated that he was excited about looking into it. Bryan said that he thought it was an excellent idea. Discussion followed on Code Enforcement charging a fee after numerous calls by the same person. Bryan asked the County Attorney to look into the idea of charging a fee for repeated meritless complaints. McCormack said that he would look at that carefully, and that there should be a way to protect Code Enforcement and the Sheriff's Office from repeated meritless complaints.

(12:40 p.m.) Wanchick requested a motion from the Board on moving the pay date from July 1 to June 30, 2011.

(12:40 p.m.) **Motion by Miner, seconded by Stevenson, carried 5/0, to move the pay date from July 1 to June 30, 2011.**

(12:41 p.m.) Wanchick mentioned that they were wrestling with conditions at the County golf course, and stated that the golf course was unacceptable. He said that they were going to have to get more aggressive regarding the maintenance function of the golf course. He stated that they would address it.

(06/07/11 - 17 - 12:41 p.m.)
CLERK OF COURT'S REPORT

No report.

The meeting recessed at 12:41 p.m. and reconvened at 5:01 p.m. addressing Item 9.

With there being no further business to come before the Board, the meeting adjourned at 5:07 p.m.

REPORTS:

1. St. Johns County Board of County Commissioners Check Register, Check Nos. 470206 through 470501, totaling \$1,790,851.34 (05/17/11)
2. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 5815 through 5878, totaling \$753,408.65 (08-5/17/11)
3. St. Johns County Board of County Commissioners Check Register, Check No. 470502, totaling \$7,581.16 (05/18/11)
4. St. Johns County Board of County Commissioners Check Register, Check Nos. 470503 through 470531, totaling \$67,635.06 (05/19/11)
5. St. Johns County Board of County Commissioners Check Register, Check No. 470532, totaling \$1,886.80 (05/20/11)
6. St. Johns County Board of County Commissioners Check Register, Check Nos. 470533 through 470795, totaling \$1,505,857.90 (05/24/11)
7. St. Johns County Board of County Commissioners Voucher Register, Voucher Nos. 5879 through 5991, totaling \$207,390.47 (05/24/11)
8. St. Johns County Board of County Commissioners Check Register, Check No. 470796, totaling \$461,489.43 (05/25/11)

CORRESPONDENCE:

1. Letter dated May 23, 2011, to Liz Cloud, Program Administrator, Department of State, filing St. Johns County Ordinance Numbers 2011-16 and 17.

Approved July 19, 2011

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____

J. Ken Bryan
J. Ken Bryan, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____

Wanne King
Deputy Clerk

